

IN THE IOWA DISTRICT COURT FOR MARION COUNTY

FILED
2013 JAN 16 AM 10:41
CAROL SAGE
CLERK OF DISTRICT COURT
MARION COUNTY, IA

VALERIE BANDSTRA, ANNE
BANDSTRA, RYAN BANDSTRA, and
JASON BANDSTRA,

Plaintiffs,

v.

PATRICK EDOUARD, COVENANT
REFORMED CHURCH, UNITED
REFORMED CHURCHES IN NORTH
AMERICA, CLARENCE HETTINGA,
ARNOLD VAN DONSELAAR, NORMAN
VAN MERSBERGEN, WILLIAM
HARTMAN, BOARD OF ELDERS OF
COVENANT REFORMED CHURCH,

Defendants.

CASE No. LACV 094670

ANSWER TO EDOUARD'S
COUNTERCLAIM

COMES NOW Valerie Bandstra, Anne Bandstra, Ryan Bandstra, and Jason Bandstra, by and through their attorney, and for its Answer to Defendant Edouard's Counterclaim, and states the following:

121. Paragraph 121 does not require a response.
122. Plaintiff Valerie Bandstra denies that the relationship was consensual but admits to the time period.
123. Plaintiffs deny the allegations in Paragraph 123.
124. Plaintiff Valeria Bandstra denies the allegations in Paragraph 124.
125. Plaintiff Anne Bandstra denies that the relationship was consensual but admits to the time period.
126. Plaintiff Anne Bandstra denies the allegations in Paragraph 126.
127. Plaintiffs deny the allegations in Paragraph 127.

128. Plaintiff Anne Bandstra admits that her husband discovered the inappropriate relationship.
129. Plaintiff Valeria Bandstra admits the allegations in Paragraph 129.
130. Plaintiff Valeria Bandstra admits that her husband discovered the inappropriate relationship.
131. Plaintiffs Valeria Bandstra and Jason Bandstra deny the allegations in Paragraph 131.
132. Plaintiff Valeria Bandstra denies the allegations in Paragraph 132.
133. Plaintiffs deny the allegations in Paragraph 133 for lack of knowledge.

COUNT I: DEFAMATION (LIBEL & SLANDER) AGAINST VALERIE BANDSTRA

142. Paragraph 142 does not require a response.
143. Plaintiff Valeria Bandstra admits the allegations in Paragraph 143.
144. Plaintiff Valeria Bandstra admits the allegations in Paragraph 144.
145. Plaintiff Valeria Bandstra admits the allegations in Paragraph 145.
146. Plaintiff Valeria Bandstra admits the allegations in Paragraph 146.
147. Plaintiff Valeria Bandstra admits the allegations in Paragraph 147.
148. Plaintiff Valeria Bandstra denies the allegations in Paragraph 148.
149. Plaintiff Valeria Bandstra admits that she made the statements but denies that they were false.
150. Plaintiff Valeria Bandstra denies the allegations in Paragraph 150
151. Plaintiff Valeria Bandstra admits that the claims were republished, but denies that they were false.
152. Plaintiff Valeria Bandstra denies that the statements republished were false.

153. Plaintiff Valeria Bandstra denies the allegations in Paragraph 153.
154. Plaintiff Valeria Bandstra denies the allegations in Paragraph 154.
155. Plaintiff Valeria Bandstra denies the allegations in Paragraph 155.
156. Plaintiff Valeria Bandstra denies the allegations in Paragraph 156.
157. Plaintiff Valeria Bandstra denies the allegations in Paragraph 157.
158. Plaintiff Valeria Bandstra denies the allegations in Paragraph 158 for lack of knowledge.
159. Plaintiff Valeria Bandstra denies the allegations in Paragraph 159.
160. Only actual, compensatory, and punitive damages are allowed under Iowa law and Plaintiff denies that Defendant is entitled to any damages.
161. Plaintiff Valeria Bandstra denies the allegations in Paragraph 161.

WHEREFORE Plaintiff Valerie Bández respectfully requests the court dismiss Defendant Edouard's Counterclaim Count I against Plaintiff Valeria Bandstra at Defendant Edouard's cost.

COUNT II: MALICIOUS PROSECUTION AGAINST VALERIE BANDSTRA

162. Paragraph 162 does not require a response.
163. Plaintiff Valeria Bandstra admits the allegations in Paragraph 163.
164. Plaintiff Valeria Bandstra admits the allegations in Paragraph 164.
165. Plaintiff Valeria Bandstra admits the allegations in Paragraph 165.
166. Plaintiff Valeria Bandstra denies the allegations in Paragraph 166.
167. Plaintiff Valeria Bandstra denies the allegations in Paragraph 167.
168. Plaintiff Valeria Bandstra denies the allegations in Paragraph 168.

WHEREFORE Plaintiff Valerie Bandstra respectfully request the court to dismiss Defendant Edouard's Counterclaim Count II against Plaintiff Valeria Bandstra at Defendant Edouard's cost.

COUNT III: ABUSE OF PROCESS AGAINST VALERIE BANDSTRA

169. Paragraph 169 does not require a response.
170. Plaintiff Valerie Bandstra admits the allegations in Paragraph 170.
171. Plaintiff Valerie Bandstra admits the allegations in Paragraph 171.
172. Plaintiff Valerie Bandstra denies the allegations in Paragraph 172.
173. Plaintiff Valerie Bandstra denies the allegations in Paragraph 173.

WHEREFORE Plaintiff Valerie Bandstra respectfully requests the court dismiss Defendant Edouard's Counterclaim Count III against Plaintiff Valeria Bandstra at Defendant Edouard's cost.

COUNT IV: LIBEL AGAINST RYAN BANDSTRA

174. Paragraph 174 does not require a response.
175. Plaintiff Ryan Bandstra denies the allegations in Paragraph 175.
176. Plaintiff Ryan Bandstra denies the allegations in Paragraph 176.
177. Plaintiff Ryan Bandstra denies the allegations in Paragraph 177.
178. Plaintiff Ryan Bandstra admits the allegations in Paragraph 178.
179. Plaintiff Ryan Bandstra admits that he produced the list to one person. Plaintiff Ryan Bandstra gave one copy to Church Elder Clarence Hettinga. Hettinga subsequently republished the list.
180. Plaintiff Ryan Bandstra denies the allegations in Paragraph 180.
181. Plaintiff Ryan Bandstra denies the allegations in Paragraph 181.

182. Plaintiff Ryan Bandstra denies the allegations in Paragraph 182.
183. Plaintiff Ryan Bandstra denies the allegations in Paragraph 183.
184. Plaintiff Ryan Bandstra denies the allegations in Paragraph 184.

WHEREFORE Plaintiff Ryan Bandstra respectfully requests the court dismiss Defendant Edouard's Counterclaim Count IV against Plaintiff Ryan Bandstra at Defendant Edouard's cost.

COUNT V: INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS AGAINST ALL PLAINTIFFS

185. Paragraph 185 does not require a response.
186. Plaintiffs deny the allegations in Paragraph 186.
187. Plaintiffs Ryan Bandstra and Jason Bandstra deny the allegations in Paragraph 187.
188. Plaintiff Ryan Bandstra admits the allegations in Paragraph 188.
189. Plaintiffs deny the allegations in Paragraph 189 for lack of knowledge.
190. Plaintiff Ryan Bandstra admits the allegations in Paragraph 190.
191. Plaintiffs deny the allegations in Paragraph 191 for lack of knowledge.
192. Plaintiff Anne Bandstra made the statements in good faith and denies the remainder the allegations for lack of knowledge.
193. Plaintiffs deny the allegations in Paragraph 193 for lack of knowledge.
194. Plaintiffs deny the allegations in Paragraph 194 for lack of knowledge.
195. Plaintiffs deny the allegations in Paragraph 195 for lack of knowledge.
196. Plaintiffs deny the allegations in Paragraph 196 for lack of knowledge.
197. Plaintiffs deny the allegations in Paragraph 197 for lack of knowledge.
198. Plaintiffs deny the allegations in Paragraph 198 for lack of knowledge.
199. Plaintiffs deny the allegations in Paragraph 199 for lack of knowledge.

200. Plaintiffs deny the allegations in Paragraph 200 for lack of knowledge.
201. Plaintiffs admit that they expressed their disappointment with Defendant Arnold Van Donselaar but deny that they threatened him.
202. Plaintiff Ryan Bandstra admits that on December 21, 2011 he had a shotgun but denies that he threatened to kill Anne Bandstra, Valeria Bandstra, or any other person.
203. Plaintiff Valeria Bandstra denies the allegations in Paragraph 203.
204. Plaintiffs deny the allegations in Paragraph 204.
205. Plaintiffs deny the allegations in Paragraph 205.
206. Plaintiffs deny the allegations in Paragraph 206.
207. Plaintiffs deny the allegations in Paragraph 207.

WHEREFORE Plaintiffs respectfully request the court dismiss Defendant Edouard's Counterclaim Count V against Plaintiffs at Defendant Edouard's cost.

COUNT VI: ASSAULT AGAINST RYAN BANDSTRA

208. Paragraph 208 does not require a response.
209. Plaintiff Ryan Bandstra denies the allegations in Paragraph 209.
210. Plaintiff Ryan Bandstra denies the allegations in Paragraph 210.
211. Plaintiff Ryan Bandstra denies the allegations in Paragraph 211.
212. Plaintiff Ryan Bandstra denies the allegations in Paragraph 212.

WHEREFORE Plaintiff Ryan Bandstra respectfully requests the court dismiss Defendant Edouard's Counterclaim Count VI against Plaintiff Ryan Bandstra at Defendant Edouard's cost.

COUNT VII: SLANDER AGAINST ANNE BANDSTRA

213. Paragraph 213 does not require a response.

214. Plaintiff Anne Bandstra admits the allegations in Paragraph 214.
215. Plaintiff Anne Bandstra admits that she made the report, but further states that she made the report in good faith.
216. Plaintiff Anne Bandstra admits that she made the report, but further states that she made the report in good faith.
217. Plaintiff Anne Bandstra denies the allegations in Paragraph 217.
218. Plaintiff Anne Bandstra denies the allegations in Paragraph 218.
219. Plaintiff Anne Bandstra denies the allegations in Paragraph 219.
220. Plaintiff Anne Bandstra denies the allegations in Paragraph 220.
221. Plaintiff Anne Bandstra denies the allegations in Paragraph 221.
222. Plaintiff Anne Bandstra denies the allegations in Paragraph 222.
223. Only actual, compensatory, and punitive damages are allowed under Iowa law and Plaintiff denies Defendant is entitled to any damages.
224. Plaintiff Anne Bandstra denies the allegations in Paragraph 224.

WHEREFORE Plaintiff Ryan Bandstra respectfully requests the court dismiss Defendant Edouard's Counterclaim Count VI against Plaintiff Ryan Bandstra at Defendant Edouard's cost.

AFFIRMATIVE AND OTHER DEFENSES

1. Defendant Edouard has failed to state a claim upon which relief may be granted.
2. Defendant Edouard's claims may be barred by the doctrines of estoppel, laches, standing, waiver and other equitable doctrines as discovery may establish.
3. Defendant Edouard's claims may be subject to comparative fault under Iowa Code Section 668.
4. Defendant Edouard's claims may be barred by the statue of limitations.

5. Defendant Edouard may have failed to mitigate his damages and, therefore, any recovery by Defendant Edouard should not include any loss which Defendant could have prevent by reasonable care and diligence.
6. Defendant Edouard's actions may bar the relief sought by Defendant under the equitable doctrine of unclean hands.
7. Defendant Edouard's claims for libel and slander against Plaintiff are barred because the statements are substantially true.
8. Defendant Edouard's claims for libel and slander against Plaintiff are barred because the statements were made in good faith, without malice, or under a mistake as to the facts.
9. Defendant Edouard's claims for libel and slander against Plaintiff are barred because the statements were expressions of opinion.
10. Defendant Edouard's claims for libel and slander against Plaintiff are barred because the statements are related to a matter of public concern.
11. Defendant Edouard's claims for libel and slander against Plaintiff are barred as Defendant Edouard is libel-proof in that his reputation, as a result of his own actions, was already so poor that Plaintiffs statements caused no appreciable damage.
12. Plaintiffs statements to the Department of Human Services, Police, and other authorities are protected by a qualified privilege.
13. Defendant Edouard's claim of malicious prosecution is barred as Plaintiffs did not act with malice.

14. Defendant Edouard's claim of malicious prosecution is barred as Plaintiffs acted with probable cause.
15. Defendant Edouard's claim of malicious prosecution is barred as Defendant Edouard was found guilty of five counts of sexual exploitation by counselor or therapist.
16. Defendant Edouard's claim of abuse of process should be dismissed as Plaintiffs had a good faith belief in truth of their statements and the process was used for its intended purpose.
17. Plaintiffs reserve the right to amend their Answer to Defendant Edouard's Counterclaims to assert such affirmative defenses as may become available through discovery.

WHEREFORE, Plaintiffs request that Defendant Edouard's Counterclaims be dismissed at Defendant's cost.

JURY DEMAND

Plaintiffs demand a jury trial on all issues in this action.

CERTIFICATE OF SERVICE
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on 1-15 2013

By: U.S. Mail
 Hand Delivered
 Certified Mail

FAX
 Overnight Courier
 Other:

Signature Lynn DeGroot



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